

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARLON PALMER,

Plaintiff,

v.

MARGARET MIMMS,

Defendant.

Case No.: 1:22-cv-01611-CDB (PC)

ORDER RE VOLUNTARY DISMISSAL

(Doc. 10)

**ORDER DIRECTING CLERK OF THE
COURT TO CLOSE CASE**

Plaintiff Marlon Palmer filed a notice of voluntary dismissal on January 23, 2022. (Doc. 10.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a “plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Once a dismissal under Rule 41(a)(1) is properly filed, no order of the court is necessary to effectuate dismissal; the dismissal is effective automatically. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999).

Because Plaintiff has filed a notice of dismissal, and no opposing party has filed an

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1 answer or a motion for summary judgment, this action has terminated. Accordingly, the Court
2 DIRECTS the Clerk of the Court to terminate all pending motions and to close this case.

3 IT IS SO ORDERED.

4 Dated: **January 24, 2023**


UNITED STATES MAGISTRATE JUDGE